

## SENATE SUBSTITUTE TO HB 1473

AS PASSED SENATE

A BILL TO BE ENTITLED

AN ACT

To amend Article 7 of Chapter 4 of Title 49 of the Official Code of Georgia Annotated, relating to medical assistance generally, so as to provide for a limit on the effective date of the Medicaid estate recovery program; to provide for substantial and unreasonable hardship waivers under certain circumstances; to provide for notice requirements; to provide for installment payments; to provide for submission of an amendment to the state plan; to provide for an effective date; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

## SECTION 1.

Said article is further amended by striking Code Section 49-4-147.1, relating to claims by the department against the estate of Medicaid recipients, and inserting in lieu thereof the following:

"49-4-147.1.

(a) In accordance with applicable federal law and regulations, including those under Title XIX of the federal Social Security Act, the department may make claim against the estate of a Medicaid recipient for the amount of any medical assistance payments made on such person's behalf by the department. A claim shall be made against the estate of a deceased Medicaid recipient only if at the time of application for medical assistance, the applicant received written notice that the medical assistance costs could be recovered from the applicant's estate and the applicant signed a written acknowledgment of receipt of such notice, the estate is otherwise subject to recovery, if no hardship or other exemption exists.

The commissioner shall waive such claim if he or she determines enforcement of the claim would result in substantial and unreasonable hardship to dependents of the individual against whose estate the claim exists.

(b) The estate recovery program established pursuant to this Code section shall not be effective any earlier than the effective date of this subsection. In no event shall the

1 department make claims against the estate of a Medicaid recipient for the amount of any  
2 medical assistance payments made on such person's behalf prior to the effective date of this  
3 subsection.

4 (c) The commissioner shall delay execution of a claim against the estate where the  
5 dependents or heirs agree to pay the full amount of the claim in reasonable installments.

6 (d) A substantial and unreasonable hardship shall be presumed to exist where the proposed  
7 recovery would reduce the value of the estate below \$100,000.00. The value of the estate  
8 for this purpose shall not include year's support, funeral and burial expenses, necessary  
9 expenses of administration, or reasonable expenses of the recipient's last illness. No later  
10 than July 1, 2006, the department shall submit an amendment to the state plan with the  
11 United States Department of Health and Human Services Centers for Medicare and  
12 Medicaid Services reflecting the provisions of this subsection. In the event that such  
13 amended state plan is not approved, this subsection shall stand repealed in its entirety."

14 **SECTION 2.**

15 This Act shall become effective upon its approval by the Governor or upon its becoming law  
16 without such approval.

17 **SECTION 3.**

18 All laws and parts of laws in conflict with this Act are repealed.